

U.S. Department of Homeland Security
500 12th Street SW, STOP 5009
Washington, DC 20536-5009



U.S. Immigration
and Customs
Enforcement

August 29, 2011

Rec'd
9/2/11
open

Mr. Rigoberto Hernandez-Portillo
#72088-083
Federal Correctional Institution
P.O. Box 7000
Texarkana, TX 75505-7000

RE: ICE FOIA Case Number 2011FOIA13652

Dear Mr. Hernandez-Portillo:

This letter is the final response to your Freedom of Information Act (FOIA) request to the U.S. Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE), dated July 15, 2011. You have requested copies of records concerning your informant status.

Your request has been processed under the FOIA, 5 U.S.C. § 552. After a careful review of your request, I have determined that ICE can neither confirm nor deny the existence of any records that would be responsive to your request. If any records existed they would be exempt from disclosure pursuant to Exemption 7(E) of the FOIA as described below.

FOIA Exemption 7(E) protects records compiled for law enforcement purposes, the release of which would disclose techniques and/or procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law. I have determined that disclosure of certain law enforcement sensitive information contained within the responsive records could reasonably be expected to risk circumvention of the law. Additionally, the techniques and procedures at issue are not well known to the public.

You have the right to appeal our withholding determination. Should you wish to do so, you must send your appeal and a copy of this letter, within 60 days of the date of this letter to: U.S. Immigration Customs Enforcement, Office of Principal Legal Advisor, U.S. Department of Homeland Security, 500 12th Street, S.W., STOP 5009, Washington, D.C. 20536-5009. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia.

The Office of Government Information Services (OGIS) also mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. If you wish to contact OGIS, you may email them at ogis@nara.gov or call 1-877-684-6448.

Provisions of the FOIA allow us to recover part of the cost of complying with your request. In this instance, because the cost is below the \$14 minimum, there is no charge.¹

If you need to contact our office about this matter, please refer to FOIA case number 2011FOIA13652. This office can be reached at (202) 732-0300 or (866) 633-1182.

Sincerely,

A handwritten signature in black ink, appearing to read 'MPK' or similar, followed by the word 'FOR' in a smaller, less distinct script.

Catrina M. Pavlik-Keenan
FOIA Officer

¹ 6 CFR § 5.11(d)(4).



OFFICE of GOVERNMENT INFORMATION SERVICES

Rec'd
9/9/11

September 2, 2011 – Sent via U.S. mail

Mr. Rigoberto Hernandez-Portillo
Register No. 72088-083
Federal Correctional Institution
Post Office Box 7000, 4001 Leopard Dr. (C2)
Texarkana, TX 75505

Re: OGIS Case No. 2011-0328
MN: KF: CZ

NATIONAL
ARCHIVES
and RECORDS
ADMINISTRATION

8601 ADELPHI ROAD
ROOM 2510
COLLEGE PARK, MD
20740-6001

web: www.archives.gov/ogis
e-mail: ogis@nara.gov
phone: 301-837-1996
toll-free: 1-877-684-6448
fax: 301-837-0348

Dear Mr. Hernandez-Portillo,

On August 1, 2011, you wrote the Office of Government Information Services (OGIS) requesting assistance in obtaining an acknowledgment of receipt of your Freedom of Information Act (FOIA) request to the U.S. Immigration and Customs Enforcement (ICE). You enclosed copies of correspondence sent to ICE on June 1, 2011 and July 15, 2011, and stated you had not received a response from ICE.

OGIS was created under the OPEN Government Act of 2007 to resolve FOIA disputes with the goal of avoiding litigation. Since opening its doors in September 2009, OGIS has received more than 700 cases and has successfully resolved most of them by facilitating discussions between FOIA requesters and the Federal agencies. We also offer formal mediation services as a nonbinding alternative to litigation. OGIS does not have investigatory or oversight authority.

OGIS staff contacted ICE to inquire about the status of your request and learned that ICE had assigned it Request No. 2011-FOIA-13652. ICE FOIA staff stated that the agency responded to your request on August 19, 2011 and closed your case at that time. If you have not already received the ICE response, you should receive it shortly. If you do not receive that response or if you may need additional assistance, you are welcome to contact OGIS again. However, as this appears to resolve your initial inquiry to obtain an acknowledgment for this FOIA request, we will not take further action and will close your OGIS case. ✓

Sincerely,

Miriam Nisbet, Director
Office of Government Information Services





OFFICE of GOVERNMENT INFORMATION SERVICES

10/3/11

September 27, 2011— Sent via U.S. mail

NATIONAL
ARCHIVES
and RECORDS
ADMINISTRATION

8601 ADELPHI ROAD
ROOM 2510
COLLEGE PARK, MD
20740-6001

web: www.archives.gov/ogis
e-mail: ogis@nara.gov
phone: 301-837-1996
toll-free: 1-877-684-6448
fax: 301-837-0348

Mr. Rigoberto Hernandez-Portillo
Register No. 72088-083
Federal Correction Institution
Post Office Box 7000, 4001 Leopard Dr. (C2)
Texarkana, TX 75505

In Re: Case No. 2011-0328
KF: RR

Dear Mr. Hernandez-Portillo:

Thank you for contacting the Office of Government Information Services (OGIS). This letter is in response to your letter dated September 5, 2011, which we received on September 23, 2011.

We have reviewed your correspondence, and it appears that you are sending OGIS a courtesy copy of your correspondence with the Department of Homeland Security and are not making a request for OGIS assistance.

We appreciate you taking the time to contact us; however, we have not reopened your case or opened a new case file.

Thank you,

Robin Ross, Staff Assistant
Office of Government Information Services



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9/27/11